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Attorneys for plaintiff and counter-defendant
BV Rights Anstalt, a Liechtenstein
establishment

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BV Rights, Anstalt,
a Liechtenstein establishment,

Plaintiff and Counter-Defendant,

vs.

Abaxis, Inc., a California corporation, and Does
1-5,

Defendants and Counter-Claimants

Case No. C 04-04839 SC

**STIPULATION GRANTING LEAVE TO
FILE A THIRD AMENDED COMPLAINT**

AND ORDER

WHEREAS, on May 16, 2005, Abaxis, Inc. ("Abaxis") filed a Motion to Strike
Portions of Second Amended Complaint (the "Motion" and set it for hearing on July 8, 2005;

WHEREAS, BV Rights Anstalt ("BV Rights") has agreed to address the issues raised
in the Motion by amending the operative complaint in the form of a Third Amended Complaint, a true
and correct copy of which is attached hereto as Exhibit 1;

WHEREAS, the parties stipulate to the filing of the Third Amended Complaint, in the
form attached hereto as Exhibit 1;

IT IS THEREFORE STIPULATED AND AGREED by and between plaintiff and
counter-defendant BV Rights on the one hand, and defendant and counter-claimant Abaxis, Inc. on the
other hand, by and through their respective counsel, as follows:

1. BV Rights shall file at once its Third Amended Complaint; and

2. Upon the filing by BV Rights of its Third Amended Complaint, Abaxis' pending motion to strike portions of BV Rights' second amended complaint (which is currently set for hearing at 10:00 a.m. on July 8, 2005 in Courtroom 1) shall be removed from the Court's calendar. Abaxis shall timely respond to BV Rights' Third Amended Complaint.

Dated: June 24, 2005

LUSCUTOFF, LENDORMY & ASSOCIATES

By: 

JEAN-YVES LENDORMY

Attorney for Plaintiff and Counter-Defendant BV Rights Anstalt

Dated: June 27, 2005

DLA PIPER RUDNICK GRAY CARY WARE US LLP

By: 

Diana Ng Fung

Attorney for Defendant and Counter-Claimant Abaxis, Inc.

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6/28/05